

## **PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF FEBRUARY 16, 2010**

### **MINUTES**

**Board Members Present:**

**Allie Brown, Chairman  
Jeff Barnes  
Paul Bolin, Alternate Member  
John Miller  
Nathaniel Rosenblatt  
Andy Sturgeon  
Miles Theeman**

**City Staff Present:**

**David Gould  
Jim Ring  
Peter Witham  
Bud Knickerbocker**

Chairman Brown called the meeting to order at 7:00 p.m. In the absence of Mr. Damon, Alternate Member Bolin was asked to vote.

### **CONSENT AGENDA**

As no one wished to remove the item for discussion, Chairman Brown asked for a motion. Mr. Theeman moved to approve the Consent Agenda. Mr. Rosenblatt seconded the motion which carried by a vote of 7 to 0. The item approved is as follows:

**Item No. 1: Final Subdivision Plan Revision approval to amend the Haskell Road Subdivision by reducing the number of approved lots from six lots to four lots located off Haskell Road in a General Commercial and Service District. Webber Oil Company, applicant.**

### **PUBLIC HEARINGS**

**Item No. 2: Conditional Use, Site Development Plan and Site Location of Development Modification approvals to construct a 32,000 sq. ft., single-story structure for use as a new VA Outpatient Clinic located on State Hospital Drive off of State Street in a Government and Institutional Service District. CD Smith Construction, Inc., applicant.**

Chairman Brown opened the Public Hearing and asked for a presentation. Mr. Sean Roberts with Summit Smith Healthcare, a division of CD Smith Construction, Inc. out of Wisconsin, gave an overview of the project. He indicated that this proposal is for a new Federal VA outpatient clinic to be located on the campus of the existing Maine Veteran's Home site. The project is being designed to blend in with the existing campus. This outpatient clinic will centralize services such as mental health, radiology, audiology, eye services, and primary care services. Mr. Roberts discussed the layout of the site, parking arrangement and the entrance. Mr. Eric Williams Project Engineer with SGC Engineering was also present to answer questions of the Board.

Mr. Rosenblatt asked about traffic and off-site improvements to deal with the traffic making left hand turns off of State Street. Mr. Roberts indicated that the City has shown that with a little more space and reinforcing of the shoulder along a 200 to 300 hundred foot span on State Street it will allow cars that are turning to be passed safely on the right. They will also need to do some restriping. These mitigation techniques will make that a safer turn.

Mr. Theeman asked about the proposed gated emergency drive between this parking lot and that of the Veteran's Home site. Mr. Roberts indicated that the emergency drive will be gated and clearly marked as emergency access only. It will have slightly raised and sloped granite curbs. While the two operations will have very separate users they wanted to make sure that they were able to segregate those users while still being able to allow emergency access.

Mr. Sturgeon indicated that they did a great job with a very challenging site. He had concerns regarding the loading docks where any movement to and from this area appeared to be very tight. Mr. Roberts indicated that users will be backing into the loading docks. Mr. Williams with SGC Engineering explained that a vehicle the size of a tractor trailer will be able to maneuver the site and back into the loading dock. This clinic will not have any overnight facilities as it is a walk-in clinic but if a patient were to come to the clinic and the staff determine that they needed emergency care, they would be transported to a hospital immediately. Mr. Sturgeon was concerned that an ambulance would have to back in and drive out with no place to turn around. Mr. Williams indicated that the width of the proposed canopy is wide enough to accommodate both an ambulance and a mobile MRI pad. Mr. Sturgeon asked why they were proposing a no-right turn coming out of the site. Mr. Williams explained that in their traffic assessment this really wasn't a requirement. However, in their conversations with the representatives of the Dorothea Dix facility they wanted to do something to reinforce exiting to State Street to make sure people didn't drive through the parking lots at the Dorothea Dix facility.

Mr. Theeman asked about the proposed MRI pad. Mr. Roberts indicated that they are proposing a concrete area which will be reinforced to accommodate a mobile MRI unit which is run out of the Augusta Togus facility. Mr. Theeman was concerned about access in the case where both the mobile MRI unit is there and someone needs an ambulance. Mr. Roberts indicated that the drive is wide enough to accommodate both. Mr. Theeman indicated that he was not convinced that this would work. Mr. Roberts said that this type of

facility does not have a great deal of ambulance traffic and the MRI unit would not be there most of the time. He said that as proposed, it meets the code and turning requirements.

Mr. Barnes indicated that this is a very much needed facility that will bring 3 or 4 different processes under one building. Because of the nature of the facility he felt that it would be very seldom anyone would need an ambulance. They would either be going to Togus, an existing veteran's home, or one of the hospitals in the area.

Mr. Sturgeon asked if the concrete pad could be extended a little further so it wouldn't conflict with the entrance. Mr. Roberts indicated that it could.

Chairman Brown asked for comments from those in favor of the project. As there were none, she asked for comments from opponents. There being none, she closed the Public Hearing and asked for Staff comments.

Planning Officer Gould indicated that this an application for Conditional Use, Site Development Plan and Site Location of Development Act (SLODA) Modification approvals to construct a 32,000 sq. ft. building off of State Hospital Drive on the Dorothea Dix Campus in a Government and Institutional Service District. The Code Office determined that the clinic use is a conditional use under the G & ISD. In addition to the basic site plan standards there are four conditional use standards which deal with basic requirements of the zone, that the proposed use cannot create unreasonable traffic congestion on adjacent or contiguous streets, the proper operation of the conditional use will be insured by providing adequate utilities, fire protection, stormwater drainage, parking, loading and other site improvements; and the building will be architecturally consistent with other architecture within 500 feet of the use. The applicant submitted architectural renderings. There was a traffic analysis done that looked at the intersection down below and Mr. Ring had some recommendations which the applicant has indicated that they are willing to undertake in terms of improvements to State Street. The applicant proposes an elaborate stormwater system on this site which will actually go into the prior stormwater system of the Veterans Home. This system is designed not only to deal with their stormwater but with any new stormwater that will come from the expansion of the Veteran's home.

Mr. Gould noted that in the SLODA application there was mention of a rare and threatened plant called the Nantucket Shadbush which is located on the plans. Planning Staff did get some correspondence back from the Maine Natural Areas Program indicating that they are comfortable with the provisions made in the construction plans such that the plant won't get harmed through the construction of the building. There is also a letter from the Maine Historic Preservation Commission relative to this new construction and its compatibility with the historic resources in that general area. Staff concluded that most of the details are in order. The one point that Staff did point out to the Board was the recommended off-site improvements that Jim Ring had relative to strengthening the shoulder on State Street.

Mr. Jim Ring, City Engineer, discussed the traffic information submitted by the applicant. He said that there wasn't any noteworthy history regarding accidents at this

location. Mr. Ring indicated that he had recently been observing traffic in this area and had been thinking about what actually will occur with the left hand turning movements heading outbound on State Street. Mr. Ring said that most likely people will pull around to the right of vehicles that are queued up to make a right-hand turn. There is sufficient width there. He recommended that this project do a strengthening in that area of State Street for everyone's benefit. Mr. Ring indicated that he would recommend that this be a condition of this approval.

Mr. Rosenblatt asked if the sight distances are adequate for those exiting the facility and turning left onto State Street. Mr. Ring indicated that the site distance appears to be adequate. Mr. Rosenblatt asked if the applicant agreed to the off-site improvements that the City Engineer described. Mr. Roberts indicated that the applicant does agree and it is their intention to perform the work and get the sign off from the City Engineer.

Mr. Sturgeon moved that the Board approve the Conditional Use, Site Development Plan and Site Location of Development Modification applications to construct a 32,000 sq. ft., single-story structure for use as a new VA Outpatient Clinic located on State Hospital Drive off of State Street in a G & ISD on the condition that the applicant coordinate the off-site traffic improvements (State Street improvements) with the City Engineer's recommendations. Mr. Barnes seconded the motion. The Board voted 5 to 1 in favor. Mr. Theeman indicated that he felt that the site development plan was inadequate relative to access for mobile units and emergency vehicles.

**Item No. 3: Amending the Land Development Code Chapter 165, Section 165-103C – Industry and Service District – Permitted Uses – To substitute Building and Construction Contractors for Clinic, Medical and Dental. City of Bangor, applicant. C.O. # 10-60.**

Chairman Brown opened the Public Hearing and asked for a presentation. Planning Officer David Gould explained that the amendment sought to substitute the use "construction contractors" for medical or dental clinics in the Industry and Service District (I & S). Mr. Gould explained the history of how medical clinics came to exist as a permitted use in the Industrial District and the new district for the Maine Business Enterprise Park that would allow them to be deleted from the I&S District without any adverse repercussions.

Mr. Theeman asked if there were any medical or dental clinics in industrial districts. Mr. Gould noted that the only ones that he was aware of were in the Maine Business Enterprise Park and that is now zoned Technology and Service District.

Mr. Chip Laite of Sargent Corporation indicated that they are seeking to buy the former Ansewn Shoe property to relocate their business from Hampden. The proposed amendment would allow them to reuse that existing site.

As no one spoke in opposition, Chairman Brown closed the Public Hearing. Mr. Barnes moved to recommend to the City Council that the Zoning Amendment to substitute building and Construction Contractors for Clinic, Medical and Dental in the Industry and

Service District as contained in C.O. # 10-060 be approved. Mr. Theeman seconded the motion which carried by a vote of 7 to 0.

## **NEW BUSINESS**

**Item No. 4:      Site Development Plan approval to construct a 22' x 25' loading dock addition and reconfigure the existing parking at 73 Hammond Street in a Government and Institutional Service District. Penobscot County, applicant.**

Mr. Miller indicated that he had a conflict of interest as a site that he currently owns was in discussions with the Post Office and he asked to be excused from voting. Mr. Rosenblatt moved that the Board determine that Mr. Miller does have a conflict of interest and that he should be recused. Mr. Theeman seconded the motion. The Board voted 6 to 0 in favor of the motion.

Mr. John Kenney, PE with WBRC Architects-Engineers, on behalf of the applicant, explained that Penobscot County is proposing some improvements on their parcel located at 73 Hammond Street. They are proposing to construct a 22' x 25' loading dock with a four foot overhang and as such will require some re-stripping of the parking lot. This property is the former Maine District Court Building. The proposed improvements are to accommodate a tenant that will occupy one-half of the second-story of the building. The restriping will result in a net reduction of 5 parking spaces. As part of the lease agreement with the tenant the County will be providing 10 off-site parking spaces for employees at a City of Bangor parking lot. After this project is complete there will be a net increase of 5 parking spaces. Mr. Kenney indicated that this site development plan application is only for a loading dock addition in an existing impervious area and for a change in parking.

Mr. Bolin felt that by making the spaces perpendicular to the building it would appear that vehicles would need to take a wider swing which would make a tough situation worse. Mr. Kenney explained that the tenant wanted to eliminate the parallel parking spaces along the front of the building in order to make a 24' aisle width between the parking and the building to meet ordinance requirements for a 90 degree stall alignment and in doing so they were able to add spaces there. Mr. Bolin expressed his concern that because this is such a tight area that pedestrians would be continually fighting with cars moving in and out. Mr. Kenney indicated that this would be better than the present location which requires pedestrians to cross over the street in the crosswalk. This situation is similar to that when it was the District Court.

Mr. Theeman agreed with Mr. Bolin and added that he felt that with the amount of traffic that is going to be in and out of there during the course of a day was high and the layout is extraordinarily awkward. He asked if a traffic study was done to support this use. Mr. Kenney indicated that in this situation the applicant did not need to have a traffic study done.

Mr. Rosenblatt said that when the building was used as the District Court the parking was dreadful. He indicated that if this is the benchmark he was not sure it was a good one to be going back to. He asked how many spaces would be dedicated to the Post Office use. Mr. Kenney indicated that a total of 30 spaces plus 10 off-site spaces for employees. Mr. Rosenblatt said that there seems to be potential concerns about the retaining wall on Franklin Street. Mr. Kenney said that there has been some talk about altering the retaining wall to provide greater visibility but that this is not a part of this plan at this point.

Mr. Bolin felt that this site plan is not going to facilitate the kind of pedestrian traffic that the current Post Office site has. He was very concerned from a safety point of view with pedestrian usage, and vehicular maneuvering on the site.

Mr. Sturgeon indicated that he felt that the area provided for parking and aisle width was adequate but felt that the proposed parking down by the loading area is unusable and that there was only one handicapped parking space which was questionable.

Ms. Brown had the same concerns as other Board Members. When it was the District Court people parked for most of the day and there wasn't the volume of traffic that the post office will generate. She questioned whether or not this site would work for this use.

Mr. Barnes noted that a lot of the rural post offices are nice facilities and adequately located. In this case he supposed it is good to keep the facility downtown and reutilize a building. He felt that because one would not have a street to cross it would be a plus.

Mr. Theeman asked how many mail delivery trucks the post office has and where they are going to park them on this site. Mr. Kenney explained that the trucks are parked off-site. This building is for retail use, for mail post boxes, and for retail access. There will be traffic in and out but he assumed it will be less than there is in the street in front of the Federal Building. The loading dock will not be used continuously. Mr. Kenney indicated that a 25' truck would come to the site twice a day only long enough to make deliveries and pick up mail. He noted that currently UPS vehicles go through there so they can maneuver through the site. The new door they are proposing is for direct access to mail boxes. The 24' aisle is sufficient for 90 degree parking. When exiting the site, traffic will have two egress points, one to come down the ramp onto Franklin Street and the other to go up to Court Street. He suggested that signage might be an option such as a yield to pedestrians sign.

Planning Officer Gould indicated that this application is for Site Development Plan approval to construct a 22' x 25' loading dock at 73 Hammond Street and reconfigure some of the parking. He indicated that this is an amendment to the County's building. Should the US postal service wish to reuse the building and not add on to it, it wouldn't need to go before the Board for review. Mr. Gould discussed the proposed Site Development Plan. Relative to number of spaces in supply and demand the Land Development Code has a very limited view of the kinds of uses that it enumerates spaces for. There isn't a standard specifically for court house use or U.S. Postal Service use that says for every square foot you need X number of spaces. Mr. Gould gave a brief history of the site noting that at the time that the Jail was expanded, the City's analysis was if they have enough additional parking to

cover the additional staffing for the new jail then that would be adequate. Since that time (1980's) the County has leased 75 additional spaces from the City in the space behind the old Police Station. Relative to this application, Staff indicated that the parking could be rearranged so long as it doesn't create a parking deficit. If 5 spaces go away 5 or more spaces need to be provided or leased. If this were in the Downtown Development District (which is around it on 3 sides), there would be no parking standard at all. But because it is zoned Government and Institutional Service District parking needs to be provided in some way. Mr. Gould explained that there is a lot of pedestrian activity to those buildings now and the City looks at it as a campus which includes the county court house, the jail facility, the district court building, probate court, and the sheriff's department which sees a lot of traffic in and out of there and not all of their parking is provided on-site. The whole complex has approximately 100 spaces or so on their property and then another 75 or so they lease from the City to support the operations of the complex. Mr. Gould indicated that the issue before the Board is not where the postal facility goes but whether or not this plan meets the standards that the Board has to review it by. If the Board doesn't think it meets those standards then they should deny it.

Mr. Bill Collins, Administrator of the County, explained that the US Postal Service representatives spent a day at the site with the local Post Master and a representative of facilities within the State of Maine. They spent that day observing traffic coming and going to the facility and as it exits onto Franklin Street. Mr. Collins noted that there isn't a pedestrian walkway to the facility in Brewer. The parking is perpendicular to Parkway South and anybody who exits their vehicle also exits into the traffic lane. Mr. Collins discussed the present parking arrangement and noted that they are in negotiations with the City to acquire an additional 23 to 25 spaces at the old police station parking lot. He told the Board that they feel that this will be a substantial improvement over what currently exists at the Post Office's present location on Harlow Street.

Mr. Rosenblatt said that the Site Development Plan standards are anemic and this is a good example of that. The two standards that apply in this situation are Section 165-114, B and C regarding on-site parking, loading and access. The applicant must show that the proposed parking loading, layout including the pertinent drives, turnarounds, maneuvering areas and on-site travel lanes are arranged in a reasonable and safe configuration including the provision for safe pedestrian travel to all on-site uses. Section C pertains to driveways in that the applicant must show that all proposed access drives, from the site to any public right-of-way are reasonable, necessary, and safe. Mr. Rosenblatt felt that those two standards are applicable here and the Board has discretion within those two standards.

Planning Officer Gould explained that you look at the use in the general sense that the Land Development Code does as a governmental institutional use. He said that he did not think you can define it and say this is postal service use therefore it is different. In this case they are not really proposing to change or add any new accesses or eliminate any, they are rearranging some parking. If the Board wants them to do more pedestrian crosswalks within the property as they did with the KFC site on Broadway the Board might advise them where they might add some crosswalks. Relative to Hammond Street and Franklin Street it is the City that needs to deal with crosswalks. If the Board has concern about the arrangement of

parking, or the location of the loading zone the Board should recommend that it be redesigned.

Mr. Theeman indicated that he planned to vote against this site plan revision. He said that he hoped that in the absence of Code that the citizens of Bangor would require that the Board exercise some common sense here. He indicated that he felt that the parking was wrong, and for safety the retaining wall needs to be addressed and should be a part of the package. Because this is not a conditional approval there are no requirements to hold the applicant to relative to parking or a parking flow study. Mr. Theeman moved that the Board grant approval of a Site Development Plan revision at 73 Hammond Street for Penobscot County, applicant, for the construction of a 22' x 25' building expansion and changes to parking and loading in a G & ISD. Mr. Barnes seconded the motion. The Board voted 1 in favor and 5 opposed.

Chairman Brown asked those voting against the motion to state their reasons for denial:

Mr. Rosenblatt indicated that he did not feel that this plan met the requirements of 165-114 Section B and Section C., regarding safety with at least one of the driveways. Mr. Sturgeon echoed Mr. Rosenblatt's comments. Mr. Bolin didn't feel that Sections 165-114 B & C were met regarding pedestrian safety particularly around the proposed new addition of the loading dock which created what would appear to be a blind corner for pedestrians to be coming through into traffic heading right toward them. Chairman Brown indicated that she was voting against the motion as she did not feel the plan met the standards of Section 165-114 B.

**Item No. 5:      Site Development Plan and Site Location of Development Modification approval to construct a 4,155 sq. ft. addition for therapeutic services use located at 44 Hogan Road in a Government and Institutional Service District. Maine Veterans' Homes, applicant.**

Mr. Dennis Judd, Landscape Architect with SMRT, Kelley Kash the CEO of Maine Veteran's Homes, Ron Herbert, Director of Facilities and Andrew Johnston, PE from SMRT were present in support of this application. Mr. Judd discussed the project site layout and gave a brief history of the development. He explained that the initial facility was constructed back in the 1990's. The applicant is now proposing a 4,155 sq. ft. addition for a therapeutic pool, gym, exercise area, exam rooms, administration area, and some miscellaneous improvements in the existing facility to make all of the spaces work more efficiently. They are planning to reorganize the southerly parking lot and are including a traffic calming area (a sloped granite circle with concrete infill). The purpose of the traffic calming area is for people to go around the roundabout, slow down and then have staff turn up into the parking lot and visitors continue on to the visitor parking in front of the therapeutic services addition. Mr. Judd indicated that the stormwater management system is an existing detention basin on the south end which is being modified by the CBOC project (Item No. 1). It serves the current facility and will continue to serve that facility. Three small bio retention areas and



one larger infiltration system are being proposed which will accommodate all of the stormwater runoff from the new development. There are no new users of the facility and there will not be any new staff. The traffic that exists on the site before this development will be the same after the development.

Mr. Bolin asked if there was any Nantucket Shadbush in the vicinity of this project. Mr. Judd indicated that it is not on this site.

Mr. Theeman asked if the Maine Veteran's Home will be the keeper of the gate key and the gate access. Mr. Judd indicated that it will and that the fire department will have a key to get through when they need to.

Planning Officer Gould indicated that this is an application for Site Development Plan and Site Location of Development Modification approvals. This expansion adds some additional parking that has been in short supply at the facility. There was an issue regarding the gate between this site and the CBOC facility site and that has been worked out. The Fire Prevention people were very interested in having access between the two sites while Staff was concerned that there not be an open flow between the two sites. The applicant has provided for a traffic calming device to slow down vehicles as they approach as there are pedestrians moving about that may not be as spry on their feet as they once were. The CBOC facility (Item No. 1) is going to rebuild the main detention facility that accommodates this site. Should that project for some reason not be built someone would have to come back and figure out how they are going to do detention here because that off-site improvement will supply this facility. Staff suggested that this be made a condition of approval. Mr. Gould indicated that there is need to make sure that it gets accommodated. However, if they do nothing it is not a problem.

Mr. Rosenblatt moved that the Board grant Site Development Plan and Site Location of Development Modification approvals for the proposed development at 44 Hogan Road, Maine Veteran's Home, applicant, on the condition that the stormwater treatment system be coordinated with the VA Outpatient Clinic project. Mr. Barnes seconded the motion. The Board voted unanimously in favor of the motion.

## **APPROVAL OF MINUTES**

### **Item No. 6:        Planning Board Approval of Minutes.**

There were no minutes for consideration.

There being no further items for discussion, the meeting was adjourned at 8:36 p.m.